THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24315 of 2006

DATED 22.11.2006

Between:

Botta Satyanarayana. .. PETITIONER

versus

Greater Visakha Municipal Corporation,
represented by its Commissioner and
two others. .. RESPONDENTS

WRIT PETITION NO.24315 of 2006

ORDER:

The matter is coming up for admission. Heard Sri O.Manohar Reddy, learned counsel representing the writ petitioner and Sri N.Ranga Reddy, learned Standing Counsel representing respondents 1 and 2.

2. The impugned order reads as hereunder:

> "In view of the dispute arose regarding ownership of the land as laid down in the conditions of the proceedings of the Chief Medical Officer of Health of Greater Visakha Municipal Corporation, Visakhapatnam, the No Objection Certificate granted only from Public Health point of view to run a Restaurant and Bar in the name and style of 'Sri Sailakshmi Restaurant and Bar' at D.No.14-10-3, B.C. Road, Gajuwaka, is cancelled forthwith".

3. The Writ Petition is filed for a Writ of Mandamus declaring the order passed by the 2nd respondent passed in Rc.No.PH/14/2000/CMOH, dated 8.11.2006 as illegal, arbitrary and in violation of principles of natural justice and pass such other suitable orders.

4. Several factual details are narrated in paragraphs 2 to 8 of the affidavit filed in support of the Writ Petition. As can be seen from the factual details narrated, it is clear that before making the impugned order, the petitioner was not given any opportunity at all. In view of the same, the impugned order is hereby set aside and liberty is given to respondents 1 and 2 to issue fresh notice in accordance with law, give opportunity to the petitioner to raise appropriate objections in this regard and consider such objections and pass appropriate orders in accordance with law.

5. The Writ Petition is disposed of accordingly. No costs.

22.11.2006

SSR
Issue operative portion of the order
copy by wire at party's costs.

(BO)